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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 9

Application Number: 09/608,595

Filing Date: June 30, 2000

Appellant(s): O'FLAHERTY, KENNETH W

George H. Gates (Reg. No. 33,500)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 2, 2004.

(1) ***Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

(2) ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) ***Status of Claims***

The statement of the status of the claims contained in the brief is correct.

(4) ***Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. No amendment after final has been filed.

(5) ***Summary of Invention***

The summary of invention contained in the brief is correct.

(6) ***Issues***

The issues argued in the Appeal Brief are correct.

(7) ***Grouping of Claims***

Appellant's brief includes a statement that claims 1 – 42 do not stand or fall together.

Group (a) includes claims 1, 15, 29.

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Group (b) includes claims 2, 16, 30.

Group (c) includes claims 3, 17, 31.

Group (d) includes claims 4, 18, 32.

Group (e) includes claims 5, 19, 33.

Group (f) includes claims 6, 20, 34.

Group (g) includes claims 7, 21, 35.

Group (h) includes claims 8, 22, 36.

Group (i) includes claims 9, 23, 37.

Group (j) includes claims 10, 24, 38.

Group (k) includes claims 11, 25, 39.

Group (l) includes claims 12, 26, 40.

Group (m) includes claims 13, 27, 41.

Group (n) includes claims 14, 28, 42.

(8) *Claims appealed.*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of record.*

US 5,701,400

Amando

Dec 23, 1997

(10) *Grounds of rejection.*

The following ground(s) of rejection are applicable to the appealed claims:

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Claims 1 – 42 stand rejected under 35 U.S.C. 102(b). This rejection is set fourth in prior Office Action, Paper No. 6, and repeated immediately below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Amado (US 5,701,400).

As per claims 1, 15 and 29, Amado discloses a method, system and article of manufacturer for using predictive models within a computer-implemented business analysis environment, the system comprising:

(a) applying a derived measure against a segment, wherein the derived measure comprises a predictive model previously-built by a model-building mechanism in a data mining system. A segment is anticipated by Amado, which discloses (“one or more database tables containing lines or records containing individual data items of the data to be analyzed”, column 36, lines 26 - 28), wherein ‘individual data items’ are identical to attributes and further, ‘lines or records’ of said ‘individual data items’ are a grouping of data and therefore, are identical in concept to a segment. In the database art as demonstrated in figure 16, a record consists of one specific line of data, and each individual line of data is further composed of individual attributes or fields that are all related to the first attribute presented in the record. In the figure 16 example, the fields or attributes consist of ‘Data’, ‘Name’, ‘C1=Aug 93’, ‘C2=Sep 93’, and ‘C3=Oct’.

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The concept of a record teaches the same concept that the applicant claims as a segment in the claim language.

A derived measure derived from a segment is also disclosed by Amado (“count the number of records in PRRESULT containing field PER equal to or larger than PERIni”, column 88, lines 64 - 65), where a record containing a field is identical to a segment and a count of a number of records is a derived value in that the act of performing the mathematical function of counting is a measure derived from the records in a database.

A predictive model data mining system using data from a segment, which consist of a collection of data elements contained inside a database, is also anticipated by Amado, which incorporates and discloses “a professional tool for knowledge acquisition, classification, predictive modeling, expert system building, and database mining” (column 17, lines 18 - 20) which (“analyzes logical patterns in data, including theories of knowledge representation, inductive logic and rough sets. It provides forecasting and decision making from imprecise, incomplete, and ambiguous data”, column 17, lines 22 - 26).

(b) generating output (“users may print or Email any information extracted from a screen, a window or a combination of windows”, column 43, line 66 – column 44, line 1) for the segment from the predictive model in the form of measure values. A deriving a measure from a segment, which consist of a collection of data elements contained inside a database, is anticipated by Amado, which discloses (“a definable function may call and run one or more neural networks on a particular set of data in the data database and return the output values of that run as weighting factors and TRUE or FALSE responses thus controlling whether specific diagnostics should or should not be written in the diagnostics database”, column 61, lines 34 -

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40), wherein data from inside a database is run through a mathematical function and the measure is the determination of the value as either being true or false with respect to a given condition. The values with the measure true are then written as output to a diagnostic database, where these output values may also be output as Emails or as reading on a screen.

As per claims 2, 16 and 30, Amando discloses a method, system and article of manufacturer wherein the derived measure is invoked within an application template, the application template comprises a sequence of elements linked together in a workflow, and the elements are selected from a group comprising a segment, a filter, a measure and a function.

An application template is anticipated by Amado, which discloses “CBR application templates to assist developers” (column 16, line 29). Since Case Based Reasoning application templates are used exclusively to describe object-oriented technology, where invoked objects consist of encapsulated variables and functions, disclosure of application templates that contains functions that manipulate variables anticipates an invoked derived measure. Since Case Based Reasoning application templates contain text and number data elements, said CBR templates anticipate a sequence of linked together data elements, where a sequence of character and numeric data elements is disclosed by Amado in Figures 68, 72, 88 –91, 93, 94 and 96 – 99.

Documentation of a series of work steps or a workflow is anticipated by Amado, which discloses (“FIG. 9 to 14 show a few Operative Flow Diagrams of the invention. These indicate the steps a user should follow in order to operate the invention, and the general steps the invention follows when working with the data”, column 37, lines 12 - 17). These operative or work flow diagrams link together individual tasks performed by software that use the sequence of linked together database elements such as (“First, the invention must access all the firm’s

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databases to build the database”, column 37, lines 19 –20) and (“Second, the invention generates a complete database structure and index files”, column 37, lines 21 - 22) and (“Third, define any groups of data items”, column 37, lines 26 - 27). Therefore, a application template comprises a sequence of elements linked together in a workflow is anticipated by the Amado.

Database elements in a filter is anticipated by Amado, which discloses (“the filter dialog box allows any user to effectively query the system by filtering in or filtering out any particular records according to the query criteria”, column 67, lines 15 - 18).

Data elements as a measure is anticipated by Amado, which discloses (“count the number of records in PRRESULT containing field PER equal to or larger than PERIni”, column 88, lines 64 - 65), where a count of a number of records that meet a given condition is a measure.

A data set selected from a function is anticipated by Amado, which discloses (“The resulting values of these logical and mathematical operations are called diagnostics and stored in diagnostic databases”, column 32, lines 5 - 9).

As per claims 3, 4, 17 18, 31 and 32, Amado discloses a method, system and article of manufacturer wherein the application template is constructed in a visual programming environment. Developing programs using application templates, which by nature of being templates are inherently reusable, is anticipated by , which discloses (“CBR application templates to assist developers”, column 16, line 29). Developing programs in a visual development environment is anticipated by Amado, which discloses (“Visual development of multiple applications-The user should be able to easily build intelligent applications by visually linking the data to develop key diagnostics”, column 25, line 66 – column 26, line 1).

As per claims 5, 19 and 33, Amado discloses a method, system and article of manufacturer wherein a segment is a grouping of data elements from a database organized about one or more attributes. A group of data elements from an organized and normalized database is anticipated by Amado, which discloses (“one or more database tables containing lines or records containing individual data items of the data to be analyzed”, column 36, lines 26 - 28), wherein ‘individual data items’ are identical to attributes and further, ‘lines or records’ of said ‘individual data items’ are a grouping of data and therefore, are identical in concept to a segment. In the database art as demonstrated in figure 16, a record consists of one specific line of data, and each individual line of data is further composed of individual attributes or fields that are all related to the first attribute presented in the record. The concept of a record teaches the segment in the claim language.

As per claims 6, 20 and 34, Amado discloses a method, system and article of manufacturer wherein a filter defines one or more attribute constraints applied to a segment. A filter that retrieves a select segment of data fields based on the attributes entered into a search query field is anticipated by Amado, which discloses “the filter dialog box allows any user to effectively query the system by filtering in or filtering out any particular records according to the query criteria” (column 67, lines 15 - 18). Use of the dialog box to define one or more attribute constraints is anticipated where “FIG. 38 shows one of the invention’s dialog boxes for the definition of data formulas in a particular application” (column 41, lines 63 – 64), and constraints are further anticipated by “using the Filter dialog box, the user may select the categories he

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wants to learn about. If he wants to know everything about the projects in charge of a particular person in the organization, he should only click at his name in the Filter dialog box” (column 43, lines 59 - 63).

As per claims 7, 21 and 35, Amando discloses a method, system and article of manufacturer wherein a profile is a labeled collection of attributes of a segment. A collection of attributes or fields collected in a segment or record of a table is anticipated by Amado, which discloses (“data tables and related index files for identifying each individual data item”, column 31, lines 8 - 10), wherein the index performs the identical function as a profile in uniquely identifying a segment of attributes, which are also taught by Amando as a record consisting of fields (“one or more database tables containing lines or records containing individual data items of the data to be analyzed”, column 36, lines 26 - 28), wherein ‘individual data items’ are identical to attributes and further, ‘lines or records’ of said ‘individual data items’ are a grouping of data and therefore, are identical in concept to a segment.

As per claims 8, 22 and 36, Amando discloses a method, system and article of manufacturer wherein a measure is an expression applied to a segment. Applying an expression or formula to a segment of the database is anticipated by Amado, which discloses (“the fields contained in each record are called: CODE, GROUP, FORMULA and ORDER. CODE contains the identifier code for this data formula, GROUP contains the identifier for the data group to which this data formula will be applied, FORMULA contains the data formula, and ORDER contains the order of evaluation for this data formula”, column 45, line 16 - 22) wherein the

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fields contained in each record is a concept identical to the applicant's attributes that comprise a segment. FORMULA is a field that contains an expression, function or algorithm, which processes the data in the GROUP field. The numerical result of placing the GROUP data in a formula is identical to the applicant's definition of a measure. Hence applying an expression to data in a segment is disclosed by applying a formula to data fields in a record.

As per claims 9, 23 and 37, Amado discloses a method, system and article of manufacturer wherein the computer-implemented business analysis environment includes an object model, and the segments, attributes, filters, and measures comprise objects. An object-oriented segment of a table, with attributes or fields, and measures or records is anticipated by Amado, which discloses "object-oriented databases development tools employ object-oriented techniques to substitute the fields, records and pointers scheme of relational databases with a more flexible approach" (column 12, lines 19 - 23).

As per claims 10 -13, 24, - 27 and 38 - 41, Amado discloses a method, system and article of manufacturer wherein operations upon the objects are translated into SQL statements that access corresponding tables and columns in a relational database management system. A tool used by database administrators for database management, that takes as input a user query and then translates said query into source code or SQL is anticipated by Amado, which discloses "tools typically available in most database administrator systems and which the user may use to develop other automatic query options, such as querying tools with which it would even be easy to implement a QBE Query By Example system, filters to select those fields and records to be examined, SQL statements, etc"

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(column 66, lines 2 - 7). That such queries access tables and columns in a database is anticipated by Amado, which discloses “the data database, as shown in FIG. 3, may contain one or more of the following: (A) data tables and related index files for identifying each individual data item (B) group elements data tables that state which data items correspond to each group” (column 31, lines 6 - 10).

As per claims 14, 28 and 42, Amado discloses a method, system and article of manufacture wherein the model-building mechanism comprises an analytic algorithm for rule induction performed against data stored in a database management system to create the predictive model. A predictive model building mechanism that performs against data in a database is anticipated by Amado, which discloses “a tool to reason from data, a professional tool for knowledge acquisition, classification, predictive modeling, expert systems building, and database mining. This product is a decision support and database mining software that provides data analysis and knowledge discovery based on the methodology of rough sets” (column 17, lines 18 - 20), where “rough sets provide a series of tools for data analysis and knowledge discovery from imprecise and ambiguous data” (column 15, lines 17 - 18). An analytic algorithm represented by predicate calculus that performs rule induction is also anticipated by , which discloses “rough sets analysis is a set of classification rules for classifying objects into two or more categories. The rules form a description of each category, typically in terms of an open formula of predicate calculus” (column 15, lines 39 - 44).

(11) Response to Argument.

Response to Appellant's assertion: D. Rejection of claims 1, 15 and 29 is insufficient to constitute a prima facie rejection (page 8 of Appeal Brief).

Appellant argues that Examiner did not adequately address the segments, measures, or derived measures defined in the Appellant's specifications. Examiner respectfully disagrees because Amando does teach a record, which is a collection of data items identical to the claimed segment, ("records containing individual data items of the data to be analyzed", column 36, lines 26 - 28), wherein a record is made up of individual fields, also called 'attributes' in the applicants specifications. The 'lines or records' of said 'individual data items' are a grouping consisting of the fields or attributes that are identical in concept to the claimed segments. In the database art as demonstrated in figure 16, a record consists of one specific line of data in the table, and each individual line of data is further composed of individual attributes or fields, such as the fields of 'Data', 'Name', 'C1=Aug 93', 'C2=Sep 93', and 'C3=Oct'. Each line of these data fields in table in figure 16 is a record, which teaches the same concept that the applicant claims as a segment. Therefore, Amando does teach the concept of a record, wherein a record is a different term for the same data structure as the segment recited in the claim language.

Appellant argues that Amando does not teach a measure as a formula applied against a segment. Examiner respectfully disagrees because Amando does teach a formula applied to a segment data structure ("count the number of records in PRRESULT containing the field PER equal to or larger than PerIni and smaller or equal than PerFin and then store this number the count in variable CountDiag", column 88, lines 64 - 67), wherein a record is a data structure that

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is identical to the claimed segments. A 'count' is a formula applied against said segments or records that consists of counting the number of the applicant's segments that are less than, greater than or equal to a specific field. Since a count or counting is a formula applied to a record or segment that produces the numerical result of a counting formula or function, it is in fact a measure of the number of records that occur which contain a specific field, and therefore teaches the applicant's recited claim of a measure as a formula applied against a segment.

Appellant argues that Amando does not teach a derived measure as a predictive model created by an analytical algorithm for rule induction. Examiner respectfully disagrees because Amando does teach a predictive model ("the ability to identify and execute specific actions as soon as particular diagnostics are generated or activated. Each diagnostic may have an associated set of actions. Suggested actions are generated the very same instant the diagnostics are generated", column 25, lines 43 - 47), wherein the model predicts which set of actions should be performed in a given set of circumstances, and also executes said actions. Amando further teaches a model for deriving these actions or diagnostic rules by using a neural network that ("would run through its input layer, immediate layer probabilities and the response layer and it would finally generate a set of response layer and it would finally generate a set of responses diagnostics. These diagnostics would be written as new diagnostics in the diagnostic DBF file", column 100, lines 63 - 67). Amando also teaches an inference engine that ("determines what order rules are scanned and fired", column 98, lines 58 - 59). Therefore, the concepts underlying a derived measure as a predictive model in the claim language are taught by the Amando expert system.

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Response to Appellant's assertion: F. Rejection of claims 2, 16 and 30 is insufficient to constitute a prima facie rejection (page 9 of Appeal Brief).

Appellant argues that Amando does not teach a derived measures application templates comprising segments, filters and functions. Examiner respectfully disagrees because application templates are taught by Amando ("Applications", figure 32), wherein the screen template titled 'Applications' calls applications that perform other analytical functions. Furthermore, an application templates that derives measures and presents data segments is taught by Amando (figure 16), wherein each line of the presented data is a segment grouping of data, that is composed of the data columns or attribute titled ("Data; Name; C1=Aug 03; C2=Sep'93; C3=Oct", figure 16), wherein each of the 11 lines of data is a segment. Furthermore, an application template comprised of a filter is also taught by Amando ("Filter dialog box", figure 15), which is linked to call figure 61 ("the filter dialog box allows any user to effectively query the system by filtering in or filtering out any particular records according to the query criteria", column 67, lines 15 - 18). Application templates that comprise measures and functions are also taught by Amando ("figure 130 shows the same number as in fig 127, plus the fuzzy values generated through the two conversion tables", column 48, lines 64 - 65), wherein the generated fuzzy value is a measure, and said measure is calculated by a formula. Additionally the calculation of a measure from a formula field is taught by the field 'Increment', which is derived by subtracting the field 'Previous' from the field 'Current', wherein subtraction to obtain a difference is a formula.

Appellant argues that Amando does not teach a derived measures application templates or linked workflow elements comprising segments, filters and functions. Examiner respectfully

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disagrees because linked workflows comprised of segments are taught by Amando in a workflow diagram (“Insert a record in RESULT with the main fields”, figure 114), wherein the segments are taught by the record that is inserted. Linked workflows that comprise filters are also taught by Amando in a workflow diagram (“figure 8 shows the querying and EIS engine, a set of procedures for sorting, filtering”, column 37, lines 4 - 5). Linked workflows that comprise measures and functions are also taught by Amando in a workflow diagram (“define tests and formulas; apply formulas”, figure 9), wherein mathematical formulas are identical to calculated measures and mathematical functions.

Response to Appellant’s assertion: F. Rejection of claims 3, 17 and 31 is insufficient to constitute a prima facie rejection (page 10 of Appeal Brief).

Appellants argue that Amando does not teach that constructing application templates in a visual programming environment. Examiner respectfully disagrees because Amando does teach (“visual development of multiple applications – the user should be able to easily build intelligent applications by visually linking the data to develop key diagnostics”, column 25, line 66 – column 26, line 1) wherein (“the invention’s preferred embodiment described in this document has been build using MS Fox Pro, a relational database development tool”, column 26, lines 21 - 24). A visual application’s development environment, such as Microsoft Foxpro, is a graphical user interface based software system that uses templates to allow the user to click, drag, and drop icons and buttons in order to develop computer programming applications.

Response to Appellant’s assertion: F. Rejection of claims 4, 18 and 32 is insufficient to constitute a prima facie rejection (page 10 of Appeal Brief).

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Appellant argues that Amando does not teach that application templates can be reused. Examiner respectfully disagrees because Amando does teach a library of reusable models (“Once a task is modeled, it is stored as a library element, or knowledge database, and customized for plug-and-play reuse by knowledge workers on an enterprise-wide level within the organization”, column 10, lines 25 - 31), wherein a model that models a task is a type of application.

Response to Appellant’s assertion: F. Rejection of claims 5, 19 and 33 is insufficient to constitute a prima facie rejection (page 10 of Appeal Brief).

Appellant argues that Amando does not teach a grouping of data elements into segments. Examiner respectfully disagrees because Amando does teach (“one or more database tables containing lines or records containing individual data items of the data to be analyzed”, column 36, lines 26 - 28), wherein ‘individual data items’ are identical to attributes and further, ‘lines or records’ of said ‘individual data items’ are a grouping of data and therefore, are identical in concept to a segment. In the database art as demonstrated in figure 16, a record consists of one specific line of data, and each individual line of data is further composed of individual attributes or fields that are all related to the first attribute presented in the record. The concept of a record teaches the segment in the claim language.

Response to Appellant’s assertion: F. Rejection of claims 6, 20 and 34 is insufficient to constitute a prima facie rejection (page 10 of Appeal Brief).

Appellant argues that Amando does not teach a filter as applied to a segment. Examiner respectfully disagrees because Amando clearly teaches (“filters to select those fields and records to be examined”, column 66, lines 6 - 7), wherein as specified in the independent claim 1, records are identical in concept to segments. Furthermore, Amando also teaches (“the filter

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dialog box allows any user to effectively query the system by filtering in or filtering out any particular records according to the query criteria”, column 67, lines 15 - 19). Therefore a filter being used to select the records to be examined by filtering in and filtering out records teaches a filter being applied to select the segment.

Response to Appellant's assertion: F. Rejection of claims 7, 21 and 35 is insufficient to constitute a prima facie rejection (page 10 of Appeal Brief).

Appellant argues that Amando does not teach a profile, a segment or a labeled collection of attributes in a segment. Examiner respectfully disagrees because Amando does teach (“data tables and related index files for identifying each individual data item”, column 31, lines 8 - 10), wherein the index performs the identical function as a profile in uniquely identifying a segment of attributes, which are also taught by Amando as a record consisting of fields (“one or more database tables containing lines or records containing individual data items of the data to be analyzed”, column 36, lines 26 - 28), wherein ‘individual data items’ are identical to attributes and further, ‘lines or records’ of said ‘individual data items’ are a grouping of data and therefore, are identical in concept to a segment.

Response to Appellant's assertion: F. Rejection of claims 8, 22 and 36 is insufficient to constitute a prima facie rejection (pages 10 and 11 of Appeal Brief).

Appellant argues that Amando does not teach a measure as an expression applied to a segment. Examiner respectfully disagrees because Amando does teach (“figure 130 shows the same number as in fig 127, plus the fuzzy values generated through the two conversion tables”, column 48, lines 64 - 65), wherein the generated fuzzy value is a calculated measure, and said measure is calculated by using an expression or formula. Additionally the calculation of a

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measure from a formula field is taught by the field 'increment', which is derived by subtracting the field 'Previous' from the field 'Current', wherein subtraction to obtain a difference is an expression or formula.

Response to Appellant's assertion: F. Rejection of claims 9, 23 and 37 is insufficient to constitute a prima facie rejection (page 11 of Appeal Brief).

Appellants argue that Amando does not teach an object model including segments, attributes, filters and measures as objects. Examiner respectfully disagrees because Amando does teach an object model that includes segments ("object-oriented databases development tools employ object-oriented techniques to substitute the fields, records and pointer scheme of relational databases", column 12, lines 19 - 22), wherein the record that is made up of individual fields is identical to the applicant's definition of a segment, and in which the fields are themselves identical to the applicant's definition of an attribute.

Amando also teaches an object model that includes a filter ("a button called FILTER", column 95, lined 48 - 49) and ("there are also two more screen elements, called filter dialog box and text window", column 39, lines 24 - 25), wherein the creation of GUI objects such as a button, a dialog box or a window do, by the very nature of their existence, use an object model. Individual GUI devices such as buttons and boxes are each individual instantiations of the one object of the base classes button, or the base class box. Without object-oriented technology and the object model, it would not be functionally possible to create boxes and buttons in a graphical user interface. Therefore a filter button and a filter box do, by their very existence within the system, teach object-oriented technology and the object model.

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Amando also teaches an object model that includes a measure as an object (“fig 130 shows the same numbers as in fig 27, plus the fuzzy values generated through the two conversion tables. The table shown in fig. 131 shows the minimum and maximum fuzzy values for each division”, column 48, lines 64 - 67), wherein the calculated measures are the minimum and maximum fuzzy values, and the object model is inherent since the two reports are generated in windows that are, by their very nature, object-oriented GUI interfaces.

Response to Appellant’s assertion: F. Rejection of claims 10, 24 and 38 is insufficient to constitute a prima facie rejection (page 11 of Appeal Brief).

Appellant argues that Amando does not teach translation of object operations into SQL. Examiner respectfully disagrees because Amando does teach operations as the tasks performed by tools (“the three main categories of intelligent database tools are automatic discovery programs, which approximate the scientific method of inquiry and use statistical techniques; automatic error detection via rules that find anomalous data items and enforce constraints; and flexible query processing, which can solve queries involving inexact values. The intelligent database engine supports object orientation and features global query optimization while closely integrating data access and inference”, column 12, lines 1 - 9). Amando also teaches that these tools or operations are translated into object-oriented database techniques (“Knowledge extraction tools as described elsewhere in this document, graphic query systems, and embedded executive information and reporting systems. Object-oriented databases development tools employ object-oriented techniques to substitute the fields, records and pointers scheme of relational databases”, column 12, lines 17), wherein the system contains object operations. That the object-oriented techniques associated with a relational database use SQL is also taught by

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Amando (“Most logic database applications will likely be developed on top of relational database technology. The declarative access offered by relational systems is a major advantage for them. Without it, database access would require much more programming, and dynamic queries would be virtually excluded. In the future, object-oriented databases, for example, the Vbase.TM object-oriented database by Ontologic, will also likely be used, particularly in the CAD, CASE, and engineering fields. Even here, SQL will be available as the standard interface language”, column 11, lines 48 – 57). Therefore, the operations that use object-oriented technology are written using SQL since SQL is the standard available interface language for database operations.

Response to Appellant’s assertion: F. Rejection of claims 11, 25 and 39 is insufficient to constitute a prima facie rejection (page 11 of Appeal Brief).

Appellant argues that Amando does not teach a predictive model that comprises SQL statements. Examiner respectfully disagrees because Amando does teach a tool (“that uncovers logical patterns in data and predicts outcomes”, column 17, lines 46 - 47), wherein a tool that predicts outcomes is a predictive model. Furthermore, Amando teaches (“tools typically available in most database administrator systems and which the user may use to develop other automatic query options, such as querying tools with which it would even be easy to implement a QBE query by example system, filters to select those fields and records to be examined), SQL statements, etc., wherein SQL is a standard language that it would be common to use in developing a model”, column 66, lines 2 - 8). Therefore, Amando does teach predictive models wherein it would be obvious to use the standard SQL language to construct such models.

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Appellant argues that Amando does not teach a predictive model that comprises statements executed by a database management system. Examiner respectfully disagrees because Amando does teach a system that has (“been successfully applied for knowledge acquisition, forecasting and predictive modeling, decision support, EXPERT SYSTEM BUILDING, and more recently, “mining” of knowledge in databases”, column 15, lines 21 - 24). Furthermore, Amando teaches the use of (“SQL statements”, column 66, line 7) within databases where (“SQL will be available as the standard interface language”, column 11, lines 53 - 57). SQL, an abbreviation for structured query language, is the standard language used in writing and running queries in database applications. The use of SQL to access and extract information from a database is old and very well known in the art of database management. It would not be possible to construct a model that uses a database to perform predictive modeling or mining without incorporating SQL statements because SQL is the standard interface language of database applications.

Response to Appellant’s assertion: F. Rejection of claims 14, 28 and 42 is insufficient to constitute a prima facie rejection (page 12 of Appeal Brief).

Appellant argues that Amando does not teach a model-building mechanism comprising an analytical algorithm for rule induction used to create a predictive model. Examiner respectfully disagrees because Amando does teach a model wherein (“neural nets can learn and they can even generate new rules from existing data. This allows expert systems to grow automatically”, column 8, lines 4 - 6) wherein a neural net contains numerous analytical algorithms which in this instance do in fact generate or create new rules.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

ETS

April 12, 2004

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